

AMENDED IN ASSEMBLY JUNE 12, 2006

AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 834

Introduced by Senator Figueroa

February 22, 2005

~~An act to add Section 14626 to the Government Code, relating to state government.~~ *An act to amend Sections 12804, 13975, 14931, 14931.1, 15252, 15275, 15277, and 19857 of, to add Chapter 5.5 (commencing with Section 11531) to Part 1 of Division 3 of Title 2 of, to repeal Sections 15276 and 15279 of, and to repeal Article 2 (commencing with Section 11792) and Article 3 (commencing with Section 11796) of Chapter 7.5 of Division 3 of Title 2 of, the Government Code, and to add Section 12114 of the Public Contract Code, relating to information technology.*

LEGISLATIVE COUNSEL'S DIGEST

SB 834, as amended, Figueroa. Department of General Services: information technology.

(1) Existing law, the Governor's Reorganization Plan No. 2 (GRP No. 2), effective July 9, 2005, established the Department of Technology Services in state government, under the Director of Technology Services, within the State and Consumer Services Agency, and the Technology Services Board, with a specified membership, within the department. That plan authorized the department to acquire, install, equip, maintain, and operate new or existing business telecommunications systems and services and requires it to coordinate all matters affecting statewide business telecommunications policy and planning. The plan also limited the authority of the Department of

General Services to acquire, install, equip, maintain, and operate communications systems and facilities to public safety agencies.

The plan consolidated and transferred the functions of the Stephen P. Teale Data Center, the California Health and Human Services Agency Data Center, and the Telecommunications Division of the Department of General Services to the department and required the director to administer the department pursuant to a written plan of operations developed with the advice of the board.

The plan also created the Department of Technology Services Revolving Fund within the State Treasury, which is continuously appropriated and available for encumbrance without regard to fiscal years.

Existing law requires the Legislative Counsel to prepare for introduction not later than the next Regular Session of the Legislature occurring more than 90 days after the effective date of GRP No. 2, a bill effecting these changes in the statutes to reflect the changes made by the plan.

This bill would make the statutory codification changes made necessary by the plan taking effect on July 9, 2005.

Existing

(2) *Existing law sets forth the requirements for the acquisition of information technology goods and services by the state, and requires all contracts for the acquisition of those goods and services to be made by or under the supervision of the Department of General Services, with expenditures in this regard subject to the review and approval of the Department of Finance.*

~~This bill would, on or before July 1, 2007, require the Procurement Division of the Department of General Services to identify information technology maintenance and support service providers who have multiple contracts with the state and report this information to the Legislature, including an evaluation of whether the state should negotiate a single master services contract with each of the identified vendors.~~

This bill would require the Governor, no later than January 1, 2008, to establish in state government the Office of Chief Information Officer of California and to appoint someone to fill this position, subject to Senate confirmation. It would prescribe duties of the officer that include verifying that the Department of Technology Services is performing in such a way as to facilitate further data center consolidation, establishing an information technology governing

board, and establishing standards regarding information and data collection practices of state agencies.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5.5 (commencing with Section 11531)
2 is added to Part 1 of Division 3 of Title 2 of the Government
3 Code, to read:

4
5 CHAPTER 5.5. TECHNOLOGY

6
7 Article 1. General Provisions and Definitions

8
9 11531. This chapter shall be known and may be cited as the
10 Technology Act of 2005.

11 11532. For purposes of this chapter, the following terms shall
12 have the following meanings, unless the context requires
13 otherwise:

14 (a) "Board member" means a member of the Technology
15 Services Board.

16 (b) "Department" means the Department of Technology
17 Services established by this chapter.

18 (c) "Board" means the Technology Services Board created
19 pursuant to Section 11535.

20 (d) "Director" means the Director of Technology Services.

21 (e) "Technology" includes, but is not limited to, all electronic
22 technology systems and services, automated information
23 handling, system design and analysis, conversion of data,
24 computer programming, information storage and retrieval, and
25 business telecommunications systems and services.

26 (f) "Business telecommunications systems and services"
27 includes, but is not limited to, wireless or wired systems for
28 transport of voice, video, and data communications, network
29 systems, requisite facilities, equipment, system controls,
30 simulation, electronic commerce, and all related interactions
31 between people and machines. Public safety communications are
32 excluded from this definition.

(g) “Public agencies” include, but are not limited to, all state and local governmental agencies in the state, including cities, counties, other political subdivisions of the state, state departments, agencies, boards, and commissions, and departments, agencies, boards, and commissions of other states and federal agencies.

Article 2. Department of Technology Services

11534. (a) There is in state government, in the State and Consumer Services Agency, the Department of Technology Services.

(b) The purpose of this article is to establish a general purpose technology services provider to serve the common technology needs of executive branch entities with accountability to customers for providing secure services that are responsive to client needs at a cost representing best value to the state.

(c) The purpose of this chapter is to improve and coordinate the use of technology and to coordinate and cooperate with all public agencies in the state in order to eliminate duplications and to bring about economies that could not otherwise be obtained.

11535. (a) There is, in the department, the Technology Services Board.

(b) The board shall consist of 13 members, as follows:

(1) The Governor’s designee, who shall serve as the chair of the board.

(2) The Director of Finance, who shall serve as vice chair of the board.

(3) The Controller.

(4) The Secretaries of Food and Agriculture, the Business, Transportation and Housing Agency, the Environmental Protection Agency, the California Health and Human Services Agency, the Labor and Workforce Development Agency, the Resources Agency, the State and Consumer Services Agency, the Department of Veterans Affairs, and the Youth and Adult Correctional Agency.

(5) The Director of the Office of Emergency Services.

11536. The board shall meet not less than once each quarter. A quorum shall consist of seven members of the board. All

1 *decisions of the board shall be made by a majority vote of a*
2 *quorum of the board.*

3 *11537. (a) The board shall engage an independent firm of*
4 *certified public accountants to conduct an annual financial audit*
5 *of all accounts and transactions of the department. The audit*
6 *shall be conducted in accordance with Generally Accepted*
7 *Government Auditing Standards. The audited financial*
8 *statements shall be presented to the board, the Governor, and the*
9 *Legislature not more than 120 days after the close of the fiscal*
10 *year.*

11 *(b) The board may arrange for other audits as are necessary*
12 *or prudent to ensure proper oversight and management of the*
13 *department.*

14 *11538. The director shall be appointed by, and serve at the*
15 *pleasure of, the Governor, subject to Senate confirmation. The*
16 *director shall act as executive officer of the board.*

17 *11539. The director shall be responsible for managing the*
18 *affairs of the department and shall perform all duties, exercise*
19 *all powers and jurisdiction, and assume and discharge all*
20 *responsibilities necessary to carry out the purposes of this*
21 *chapter. The director shall employ professional, clerical,*
22 *technical, and administrative personnel as necessary to carry out*
23 *this chapter.*

24 *11540. (a) The director shall administer the department*
25 *pursuant to a written plan of operations developed with advice*
26 *from the board. The plan of operations shall establish in detail*
27 *the policies, procedures, and organization of the department,*
28 *including, but not limited to, financial and administrative*
29 *operations, performance measurements, methods of collection,*
30 *procedures consistent with constitutional, statutory, and common*
31 *law requirements for dispute resolution, and procedures by*
32 *which the department enters into all agreements and contracts,*
33 *including, but not limited to, purchases, sales, leases, licenses,*
34 *memorandums of understanding, and interagency agreements.*
35 *The plan shall be limited to procedures and processes necessary*
36 *to accomplish and carry out the consolidation and transfer*
37 *prescribed in Section 11542 and the ongoing operation of that*
38 *consolidated system.*

39 *(b) The director shall propose for board consideration and*
40 *approval an annual budget for departmental operations. As part*

1 of the annual budget development, the department shall
2 determine the impact of any rebates, abatements, or rate
3 reductions resulting from excess reserve funds. At least 60 days
4 before submitting the proposed budget to the board, the director
5 shall submit the proposed budget to the Department of Finance.
6 Submittal of the budget to the Department of Finance shall be in
7 a format and timeframe determined by the Department of
8 Finance. The Department of Finance shall prepare a report to
9 the board evaluating the reasonableness of the proposed budget
10 and any significant impact the department's budget is likely to
11 have upon the budgets of other departments.

12 (c) The director shall propose for board consideration rates
13 for department services based on a formal rate methodology
14 approved by the board. At least 60 days before submitting
15 proposed rates to the board, the director shall submit the
16 proposed rates to the Department of Finance. Submittal of the
17 rates to the Department of Finance shall be in a format and
18 timeframe determined by the Department of Finance. The
19 Department of Finance shall prepare a report to the board
20 evaluating the reasonableness of the proposed rates and any
21 significant impact the department's rates are likely to have upon
22 the budgets of other departments.

23 11541. (a) The department may acquire, install, equip,
24 maintain, and operate new or existing business
25 telecommunications systems and services. To accomplish that
26 purpose, it may enter into contracts, obtain licenses, acquire
27 property, install necessary equipment and facilities, and do other
28 acts that will provide adequate and efficient business
29 telecommunications systems and services. Any system established
30 shall be made available to all public agencies in the state on
31 terms that may be agreed upon by the agency and the
32 department.

33 (b) With respect to business telecommunications systems and
34 services, the department may do all of the following:

35 (1) Provide representation of public agencies before the
36 Federal Communications Commission in matters affecting the
37 state and other public agencies regarding business
38 telecommunications systems and services issues.

1 (2) *Provide, upon request, advice to public agencies*
2 *concerning existing or proposed business telecommunications*
3 *systems and services between any and all public agencies.*

4 (3) *Recommend to public agencies rules, regulations,*
5 *procedures, and methods of operation that it deems necessary to*
6 *effectuate the most efficient and economical use of business*
7 *telecommunications systems and services within the state.*

8 (4) *Carry out the policies of this chapter.*

9 (c) *The department has responsibilities with respect to*
10 *business telecommunications systems, services, policy, and*
11 *planning, which include, but are not limited to, all of the*
12 *following:*

13 (1) *Assessing the overall long-range business*
14 *telecommunications needs and requirements of the state*
15 *considering both routine and emergency operations for business*
16 *telecommunications systems and services, performance, cost,*
17 *state-of-the-art technology, multiuser availability, security,*
18 *reliability, and other factors deemed to be important to state*
19 *needs and requirements.*

20 (2) *Developing strategic and tactical policies and plans for*
21 *business telecommunications with consideration for the systems*
22 *and requirements of public agencies.*

23 (3) *Recommending industry standards, service level*
24 *agreements, and solutions regarding business*
25 *telecommunications systems and services to assure multiuser*
26 *availability and compatibility.*

27 (4) *Providing advice and assistance in the selection of*
28 *business telecommunications equipment to ensure all of the*
29 *following:*

30 (A) *Ensuring that the business telecommunications needs of*
31 *state agencies are met.*

32 (B) *Ensuring that procurement is compatible throughout state*
33 *agencies and is consistent with the state's strategic and tactical*
34 *plans for telecommunications.*

35 (C) *Ensuring that procurement is designed to leverage the*
36 *buying power of the state and encourage economies of scale.*

37 (5) *Providing management oversight of statewide business*
38 *telecommunications systems and services developments.*

39 (6) *Providing for coordination of, and comment on, plans and*
40 *policies and operational requirements from departments that*

1 *utilize business telecommunications systems and services as*
2 *determined by the department.*

3 *(7) Monitoring and participating, on behalf of the state, in the*
4 *proceedings of federal and state regulatory agencies and in*
5 *congressional and state legislative deliberations that have an*
6 *impact on state governmental business telecommunications*
7 *activities.*

8 *(d) The department shall develop and describe statewide*
9 *policy on the use of business telecommunications systems and*
10 *services by state agencies. In the development of that policy, the*
11 *department shall assure that access to state business information*
12 *and services is improved, and that the policy is cost-effective for*
13 *the state and its residents. The department shall develop*
14 *guidelines that do all of the following:*

15 *(1) Describe what types of state business information and*
16 *services may be accessed using business telecommunications*
17 *systems and services.*

18 *(2) Characterize the conditions under which a state agency*
19 *may utilize business telecommunications systems and services.*

20 *(3) Characterize the conditions under which a state agency*
21 *may charge for information and services.*

22 *(4) Specify pricing policies.*

23 *(5) Provide other guidance as may be appropriate at the*
24 *discretion of the department.*

25 *11542. (a) The Stephen P. Teale Data Center and the*
26 *California Health and Human Services Agency Data Center are*
27 *consolidated within, and their functions are transferred to, the*
28 *department.*

29 *(b) The business telecommunications systems and services*
30 *functions of the Telecommunications Division of the Department*
31 *of General Services are transferred to the department.*

32 *(c) Except as expressly provided otherwise in this chapter, the*
33 *department is the successor to, and is vested with, all of the*
34 *duties, powers, purposes, responsibilities, and jurisdiction of the*
35 *Stephen P. Teale Data Center, the California Health and Human*
36 *Services Agency Data Center, and the business*
37 *telecommunications systems and services functions of the*
38 *Telecommunications Division of the Department of General*
39 *Services. Any reference in statutes, regulations, or contracts to*
40 *those entities with respect to the transferred functions shall be*

1 *construed to refer to the Department of Technology Services*
2 *unless the context clearly requires otherwise.*

3 *(d) No contract, lease, license, or any other agreement to*
4 *which the Stephen P. Teale Data Center, the California Health*
5 *and Human Services Agency Data Center, or the*
6 *Telecommunications Division of the Department of General*
7 *Services, with respect to the business telecommunications*
8 *systems and services functions, is a party, shall be void or*
9 *voidable by reason of this chapter, but shall continue in full force*
10 *and effect, with the department assuming all of the rights,*
11 *obligations, and duties of the Stephen P. Teale Data Center, the*
12 *California Health and Human Services Agency Data Center, or*
13 *the Telecommunications Division of the Department of General*
14 *Services, respectively.*

15 *(e) Notwithstanding subdivision (e) of Section 11793 and*
16 *subdivision (e) of Section 11797, on and after the effective date*
17 *of this chapter, the balance of any funds available for*
18 *expenditure by the Stephen P. Teale Data Center, the California*
19 *Health and Human Services Agency Data Center, and the*
20 *Telecommunications Division of the Department of General*
21 *Services, with respect to business telecommunications systems*
22 *and services functions in carrying out any functions transferred*
23 *to the department by this chapter, shall be transferred to the*
24 *Department of Technology Services Revolving Fund created by*
25 *Section 11544, and shall be made available for the support and*
26 *maintenance of the department.*

27 *(f) All references in statutes, regulations, or contracts to the*
28 *former Stephen P. Teale Data Center Fund or the California*
29 *Health and Human Services Data Center Revolving Fund shall*
30 *be construed to refer to the Department of Technology Services*
31 *Revolving Fund unless the context clearly requires otherwise.*

32 *(g) All books, documents, records, and property of the Stephen*
33 *P. Teale Data Center, the California Health and Human Services*
34 *Agency Data Center, excluding the Systems Integration Division,*
35 *and the Telecommunications Division of the Department of*
36 *General Services, with respect to business telecommunications*
37 *systems and services functions, shall be transferred to the*
38 *department.*

39 *(h) (1) All officers and employees of the former Stephen P.*
40 *Teale Data Center, the California Health and Human Services*

1 *Agency Data Center, and the Telecommunications Division of the*
2 *Department of General Services, with respect to business*
3 *telecommunications systems and services functions, are*
4 *transferred to the department.*

5 *(2) The status, position, and rights of any officer or employee*
6 *of the Stephen P. Teale Data Center, the California Health and*
7 *Human Services Agency Data Center, and the*
8 *Telecommunications Division of the Department of General*
9 *Services, with respect to business telecommunications systems*
10 *and services functions, shall not be affected by the transfer and*
11 *consolidation of their functions to the department.*

12 *11543. (a) The director shall confer as frequently as*
13 *necessary or desirable, but not less than once every quarter, with*
14 *the board, on the operation and administration of the*
15 *department. The director shall make available for inspection by*
16 *the board or any board member, upon request, all books,*
17 *records, files, and other information and documents of the*
18 *department and recommend any matters as he or she deems*
19 *necessary and advisable to improve the operation and*
20 *administration of the department.*

21 *(b) The director shall make and keep books and records to*
22 *permit preparation of financial statements in conformity with*
23 *generally accepted accounting principles and any state policy*
24 *requirements.*

25
26 *Article 3. Department of Technology Services Revolving Fund*
27

28 *11544. (a) The Department of Technology Services*
29 *Revolving Fund, hereafter known as the fund, is hereby created*
30 *within the State Treasury. Notwithstanding Section 13340, the*
31 *fund is continuously appropriated and available for*
32 *encumbrance without regard to fiscal years for the purposes of*
33 *this chapter. The fund shall be administered by the director,*
34 *pursuant to the department's plan of operations, to receive all*
35 *revenues from the sale of technology or technology services*
36 *provided for in this chapter and all other moneys properly*
37 *credited to the board and department from any other source, to*
38 *pay all costs arising from this chapter, including, but not limited*
39 *to, operating and other expenses of the board and department*
40 *and costs associated with approved information technology*

1 *projects, and to establish reserves. At the discretion of the*
2 *director, segregated, dedicated accounts within the fund may be*
3 *established.*

4 *(b) The fund shall consist of all of the following:*

5 *(1) Moneys appropriated and made available by the*
6 *Legislature for the purpose of this chapter.*

7 *(2) Any other moneys that may be made available to the*
8 *department for the purpose of this chapter from any other source,*
9 *including the return from investments of moneys by the*
10 *Treasurer.*

11 *(c) The department may collect payments from public agencies*
12 *for providing services to those agencies that the agencies have*
13 *contracted with the department to provide. The department may*
14 *require monthly payments by client agencies for the services the*
15 *agencies have contracted the department to provide. Pursuant to*
16 *Section 11255, the Controller shall transfer any amounts so*
17 *authorized by the department, consistent with the annual budget*
18 *of each department, to the fund. The department shall notify each*
19 *affected state agency upon requesting the Controller to make the*
20 *transfer.*

21 *(d) If the balance remaining in the fund at the end of any fiscal*
22 *year exceeds 25 percent of the department's current fiscal year*
23 *budget, the excess amount shall be used to reduce the billing*
24 *rates for services rendered during the following fiscal year.*

25 *SEC. 2. Article 2 (commencing with Section 11792) of*
26 *Chapter 7.5 of Division 3 of Title 2 of the Government Code is*
27 *repealed.*

28 *SEC. 3. Article 3 (commencing with Section 11796) of*
29 *Chapter 7.5 of Division 3 of Title 2 of the Government Code is*
30 *repealed.*

31 *SEC. 4. Section 12804 of the Government Code is amended to*
32 *read:*

33 *12804. The Agriculture and Services Agency is hereby*
34 *renamed the State and Consumer Services Agency.*

35 *The State and Consumer Services Agency consists of the*
36 *following: the Department of General Services; the Department*
37 *of Technology Services; the Department of Consumer Affairs;*
38 *the Franchise Tax Board; the Public Employees' Retirement*
39 *System; the State Teachers' Retirement System; the Department*
40 *of Fair Employment and Housing; the Fair Employment and*

1 Housing Commission; the California Science Center; the
2 California Victim Compensation and Government Claims Board;
3 the California African-American Museum; and the State Building
4 and Standards Commission.

5 *SEC. 5. Section 13975 of the Government Code is amended to*
6 *read:*

7 13975. The Business and Transportation Agency in state
8 government is hereby renamed the Business, Transportation and
9 Housing Agency. The agency consists of the *State* Department of
10 Alcoholic Beverage Control, the Department of the California
11 Highway Patrol, the Department of Corporations, the Department
12 of Housing and Community Development, the Department of
13 Motor Vehicles, the Department of Real Estate, the Department
14 of Transportation, the Department of Financial Institutions, the
15 Department of Managed Health Care, ~~the Stephen P. Teale~~
16 ~~Consolidated Data Center~~; and the California Housing Finance
17 Agency is also located within the Business, Transportation and
18 Housing Agency, as specified in Division 31 (commencing with
19 Section 50000) of the Health and Safety Code.

20 *SEC. 6. Section 14931 of the Government Code is amended to*
21 *read:*

22 14931. The department may acquire, install, equip, maintain,
23 and operate new or existing *public safety* communications
24 systems and facilities *for public safety agencies*. To accomplish
25 that purpose, it may, in the name of the state, enter into contracts,
26 obtain licenses, acquire property, install necessary equipment and
27 facilities, and do ~~such~~ other acts ~~as that~~ will provide adequate
28 and efficient *public safety* communications systems. Any system
29 established shall be available to all public agencies in the state on
30 ~~such~~ terms ~~as that~~ may be agreed upon by the agency and the
31 department.

32 *SEC. 7. Section 14931.1 of the Government Code is amended*
33 *to read:*

34 14931.1. The department shall acquire, install, equip,
35 maintain, and operate all new or replacement ~~microwave~~ *public*
36 *safety* communications systems operated by the state, excepting
37 microwave equipment used exclusively for traffic signal and
38 signing control, traffic metering, and roadway surveillance
39 systems. To accomplish that purpose, it may, in the name of the
40 state, enter into contracts, obtain licenses, acquire property,

1 install necessary equipment and facilities, and do ~~such~~ other acts
2 as *that* will provide adequate and efficient microwave
3 communications systems. Any system established shall be
4 available to all public agencies in the state on ~~such~~ terms as *that*
5 may be agreed upon by the public agency and the department.

6 *SEC. 8. Section 15252 of the Government Code is amended to*
7 *read:*

8 15252. The purpose of this part is to improve and coordinate
9 the use of *public safety* radio and other *public safety*
10 communications facilities owned and operated by the state, and
11 to coordinate and cooperate with cities, counties, and other
12 political subdivisions thereof, in order to eliminate duplications
13 and interferences, to bring about economies ~~which that~~ could not
14 otherwise be obtained.

15 *SEC. 9. Section 15275 of the Government Code is amended to*
16 *read:*

17 15275. The Department of General Services may *do all of the*
18 *following:*

19 (a) Provide adequate representation of local and state
20 governmental bodies and agencies before the Federal
21 Communications Commission in matters affecting the state and
22 its cities, counties, and other public agencies *regarding public*
23 *safety communications issues.*

24 (b) Provide, upon request, adequate advice to state and local
25 agencies in the state concerning existing or proposed *public*
26 *safety* communications facilities between any and all of the
27 following: cities, counties, other political subdivisions of the
28 state, state departments, agencies, boards, and commissions, and
29 departments, agencies, boards, and commissions of other states
30 and federal agencies.

31 (c) Recommend to the appropriate state and local agencies
32 ~~such~~ rules, regulations, procedures, and methods of operation as
33 *that* it deems necessary to effectuate the most efficient and
34 economical use of publicly owned and operated *public safety*
35 communications facilities within this state.

36 (d) Provide, upon request, information and data concerning the
37 *public safety* communications facilities ~~which that~~ are owned and
38 operated by public agencies in connection with official business
39 of public safety services.

40 (e) Carry out the policy of this part.

1 ~~SEC. 10. Section 15276 of the Government Code is repealed.~~

2 ~~15276. (a) The department shall coordinate experimental~~
3 ~~studies on the use of telecommunications and information~~
4 ~~systems for telecommuting and teleworking.~~

5 ~~(b) The department, in conducting these studies shall consider,~~
6 ~~among other issues, all of the following issues of concern:~~

7 ~~(1) The impact of telecommuting and teleworking on the~~
8 ~~effective delivery of existing state services.~~

9 ~~(2) New state services which telecommuting and teleworking~~
10 ~~may make possible.~~

11 ~~(3) The consequences of telecommuting and teleworking for~~
12 ~~managers and employees of state agencies, including the quality~~
13 ~~of worklife within state agencies.~~

14 ~~(4) The opportunities created by telecommuting and~~
15 ~~teleworking for the employment of, and the enhancement of~~
16 ~~working life for, persons with disabilities.~~

17 ~~(5) The enhancements to telecommunications and information~~
18 ~~systems now or soon to be available which may facilitate the~~
19 ~~conduct of telecommuting and teleworking.~~

20 ~~SEC. 11. Section 15277 of the Government Code is amended~~
21 ~~to read:~~

22 ~~15277. There is hereby established within the department a~~
23 ~~Division of Telecommunications. The division shall include a~~
24 ~~policy and planning unit whose duties shall include, but not be~~
25 ~~limited to, all of the following:~~

26 ~~(a) Assessing the overall long-range telecommunications~~
27 ~~public safety communications needs and requirements of the state~~
28 ~~considering both routine and emergency operations,~~
29 ~~performance, cost, state-of-the-art technology, multiuser~~
30 ~~availability, security, reliability, and such other factors deemed to~~
31 ~~be important to state needs and requirements.~~

32 ~~(b) Developing strategic and tactical policies and plans for~~
33 ~~telecommunications public safety communications with~~
34 ~~consideration for the systems and requirements of the state and~~
35 ~~all public agencies, counties, and other local jurisdictions; in this~~
36 ~~state, and preparing an annual strategic telecommunications~~
37 ~~communications plan which that includes the feasibility of~~
38 ~~interfaces with federal and other state telecommunications~~
39 ~~networks and services.~~

1 (c) Recommending industry standards for ~~telecommunications~~
2 *public safety communications* systems to assure multiuser
3 availability and compatibility.

4 (d) Providing advice and assistance in the selection of
5 ~~telecommunications~~ *communications* equipment to ensure that
6 the ~~telecommunications~~ *public safety communications* needs of
7 state agencies are met and that procurements are compatible
8 throughout state agencies and are consistent with the state's
9 strategic and tactical plans for ~~telecommunications~~ *public safety*
10 *communications*.

11 (e) Providing management oversight of statewide
12 ~~telecommunications~~ *public safety communications* systems
13 developments.

14 (f) Providing for coordination of, and comment on, plans ~~and~~,
15 policies, and operational requirements from departments ~~which~~
16 *that* utilize ~~telecommunications~~ *public safety communications* in
17 support of their principal function, such as the Office of
18 Emergency Services, National Guard, health and safety agencies,
19 and others with primary ~~telecommunications~~ *public safety*
20 *communications* programs.

21 (g) Monitoring and participating on behalf of the state in the
22 proceedings of federal and state regulatory agencies and in
23 congressional and state legislative deliberations ~~which~~ *that* have
24 an impact on state government ~~telecommunications~~ *public safety*
25 *communications* activities.

26 (h) Developing plans ~~and policy~~ regarding teleconferencing as
27 an alternative to state travel ~~and regarding~~ *during* emergency
28 ~~communications~~ *situations*.

29 *SEC. 12. Section 15279 of the Government Code is repealed.*

30 ~~15279. The Division of Telecommunications shall, in its next~~
31 ~~annual report to the Legislature, develop and describe state~~
32 ~~policy on the use of voice telecommunications services for the~~
33 ~~delivery of information and services by state agencies.~~

34 ~~That policy shall develop guidelines that:~~

35 ~~(a) Describe what types of state information and services may~~
36 ~~be accessed using voice telecommunications services.~~

37 ~~(b) Characterize the conditions under which a state agency~~
38 ~~may utilize voice telecommunications services to deliver state~~
39 ~~information and services.~~

1 ~~(e) Characterize the conditions under which a state agency~~
2 ~~may charge for that information and services.~~

3 ~~(d) Specify pricing policies.~~

4 ~~(e) Provide other guidance as appropriate.~~

5 ~~In the development of the state policy, the department shall~~
6 ~~assure that access to state information and services is improved,~~
7 ~~and that the policy is cost-effective for the state and its citizens.~~

8 *SEC. 13. Section 19857 of the Government Code is amended*
9 *to read:*

10 19857. (a) The appointing power of any officer or employee
11 not a member of the civil service may promulgate regulations
12 governing vacations for these officers or employees. In the
13 absence of these regulations, the rules of the department relating
14 to the regulation and methods of accumulation of vacation for
15 civil service employees shall govern.

16 (b) Notwithstanding subdivision (a), no paid leave including,
17 but not limited to, vacation, annual leave, and sick leave shall be
18 accrued by state officers in the following positions:

19 (1) Executive Director of the California Housing Finance
20 Agency.

21 (2) Director of the Office of Administrative Law.

22 (3) Director of Emergency Medical Services Authority.

23 ~~(4) Director of the Stephen P. Teale Data Center.~~

24 ~~(5)~~

25 (4) Executive Director of the Office of Criminal Justice
26 Planning.

27 ~~(6)~~

28 (5) Director of the California Conservation Corps.

29 ~~(7)~~

30 (6) Director of the Arts Council.

31 The department may adopt regulations for the application of
32 this provision to similar positions established in the future.

33 *SEC. 14. Section 12114 is added to the Public Contract Code,*
34 *to read:*

35 12114. (a) The Governor, no later than January 1, 2008,
36 shall do both of the following:

37 (1) Establish in state government, in an appropriate
38 organizational location, the Office of Chief Information Officer
39 of California.

1 (2) *Appoint a Chief Information Officer of California subject*
2 *to confirmation by the Senate pursuant to Section 1322 of the*
3 *Government Code.*

4 (b) *The Chief Information Officer's duties shall include, but*
5 *not be limited to, all of the following:*

6 (1) *Verifying that the Department of Technology Services is*
7 *performing in such a way as to facilitate further data center*
8 *consolidation.*

9 (2) *Establishing an information technology governing board.*
10 *At a minimum, the board shall have the power to set information*
11 *technology policy, approve information technology spending,*
12 *and establish standards for determining how well or poorly state*
13 *agencies are using information technology to improve their*
14 *performance.*

15 (3) *Establishing standards regarding the information and data*
16 *collection practices of state agencies to ensure that*
17 *decisionmakers in those agencies are held accountable for the*
18 *performance of the agency, make informed decisions based upon*
19 *reliable, contemporary data, and have at their disposal data and*
20 *information revealing how the agency is performing, as*
21 *measured against the public policies that led to the creation of*
22 *the programs it administers.*

23 (4) *Exercising enterprisewide leadership and authority over*
24 *the procurement and use of information technology.*

25 ~~SECTION 1. Section 14626 is added to the Government~~
26 ~~Code, to read:~~

27 ~~14626. On or before July 1, 2007, the Procurement Division~~
28 ~~of the Department of General Services, in order to promote~~
29 ~~government efficiency, shall identify information technology~~
30 ~~maintenance and support service providers who have multiple~~
31 ~~contracts with the state and report this information to the~~
32 ~~Legislature, including an evaluation of whether the state should~~
33 ~~negotiate a single master services contract with each of the~~
34 ~~identified vendors.~~